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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/326,263	06/07/1999	FREDERICK MURRAY BURG	113532	3981

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SAMUEL H DWORETSKY  
AT&T CORP  
P O BOX 4110  
MIDDLETOWN, NJ 077484801

EXAMINER

VANDERPUYE, KENNETH N

ART UNIT	PAPER NUMBER
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2661

DATE MAILED: 08/26/2003

10

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/323,263

Applicant(s)

HURTADO ET AL.

Examiner

Kenneth N Vanderpuye

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4 and 7-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 7-10 is/are rejected.
- 7) ☒ Claim(s) 11-22 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121:

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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## DETAILED ACTION

### ***Claim Rejections - 35 U.S.C. § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2-4, 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeSimone(6,175,619) in view of Ho.(6,452,922)

With regards to claims 1, 7, DeSimone teaches a method comprising:  
receiving a message from a first of said chat participants requesting the establishment of a voice call between ones of said chat participants(col. 4 lines 31-38), said message including information identifying method of payment for said voice call(col. 3 lines 30-33)

sending a message to said first chat participant providing voice call session information and at least one authorization code(col. 5 lines 40-47), directing bridging means to bridge said set up voice links(col. 3 lines 33-37), said voice What DeSimone fails to teach is (1) receiving a message

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from a second chat participants requesting participation in said voice call and presenting said voice call session information and an authorization code, said voice call session information and authorization code being supplied to said second chat participant in a message in said chat session (this is because in DeSimone the first caller provides the telephone number of the second caller. However it would have been obvious to one of ordinary skill in the art that the first chat participant could have provided the session information and code to the second chat participant for presenting to the call broker as an alternative), (2) requesting call setup means to setup voice call links to each of a plurality of voice participants comprising at least said first and second chat participants, at least one of said setup voice call links being a VOIP link. In DeSimone the telephone call is set up over a PSTN and not the data network. HO teaches VOIP as an alternative to PSTN. It would have been obvious to one of ordinary skill in the art to combine HO with DeSimone for the purpose of using VOIP connections as an alternative to PSTN voice call. The motivation being to achieve better quality.

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Claim 2 is rejected because as suggested in DeSimone multiple participants can use the same code.(col. 3 lines 10-14)

Claims 3-4 are rejected because Ho teaches a VOIP gateway(IP interface) which is used to set up a connection to a recipient over the internet. It would have been obvious to one of ordinary skill in the art to combine HO with DeSimone for the purpose of using VOIP connections as an alternative to PSTN voice call. The motivation being to achieve better quality.

***Claim Rejections - 35 U.S.C. § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 8-9, 10 rejected under 35 U.S.C. 103(a) as being unpatentable over DeSimone.

Claims 8-9 are rejected because although DeSimone fails to teach the different billing methods. These are well known in the art. Hence it

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would have been obvious to one of ordinary skill in the art to provide different billing options to attract different customers.

Claim 10 is rejected because the number of voice call participants is essential to setting up the voice chat. Hence this feature is inherently taught by DeSimone.

***Allowable Subject Matter***

5. Claims 11-22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth Vanderpuye whose telephone number is (703) 308-7828. The examiner can normally be reached on M-F from 6:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doug OLMS, can be reached on (703) -305-4703. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

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**KENNETH VANDERPUYE**  
**PRIMARY EXAMINER**

Kenneth Vanderpuye

August 28, 2003